

**REMARKS**

The present Amendment is submitted with a request for a one month extension of time and the fee for this extension of time. As may be appreciated from the above listing of claims, the claims have been amended herein. The amendments to the claims do not require the payment of any additional fees. Nevertheless, authorization is provided herewith to pay any underpayment of fees or credit any overpayment of fees to Deposit Account No. 02-4800.

**I. INTERVIEW WITH THE EXAMINER**

Examiner Gupta was called on September 8, 2009 due to errors found in the Office Action dated June 9, 2009. For instance, all the pending claims were rejected in view of U.S. Patent No. 7,099,944 to Anschutz et al. in the Office Action. However, the basis for the rejections was cited as being dependent upon Chiles. The Examiner clarified the fact that the rejection of all the claims in the Office Action was based on 35 U.S.C. § 102 and that all the pending claims were rejected in view of Anschutz et al.

While no basis has been provided for how Anschutz et al. anticipates any of the claims, Applicant has provided the response below in view of the Examiner's confirmation that all the pending claims were rejected in view of Anschutz et al.

**II. RESPONSE TO THE REJECTION OF CLAIMS 14-35**

The Examiner rejected all the pending claims under 35 U.S.C. § 102 in view of Anschutz et al.

**A. Burden of Proving Anticipation Under 35 U.S.C. § 102**

"In order to demonstrate anticipation, the proponent must show that the four corners of a single, prior art document describe every element of the claimed invention." *Net Moneyin, Inc.*

*v. Verisign, Inc.*, 545 F.3d 1359, 88 U.S.P.Q.2d 1751, 1758, 2008 WL 4614511, \*8 (Fed. Cir. 2008). The prior art reference relied upon to show anticipation "must not only disclose all elements of the claim within the four corners of the document, but also disclose those elements arranged as in the claim." *Id.* "As arranged in the claim means that a reference that discloses all of the claimed ingredients, but not in the order claimed, would not anticipate because the reference would be missing any disclosure of the limitations of the claimed invention arranged as in the claim." *Id.* "The test is thus more accurately understood to mean arranged or combined in the same way as in the claim." *Id.*

**B. Anschutz et al. Do Not Teach Every Element Of The Pending Claims**

The Examiner contends that Anschutz et al. discloses all the elements of all the pending claims. However, a review of Anschutz et al. shows that numerous different limitations of the pending claims are not taught or suggested by Anschutz et al.

**1. Claims 14-27, 32 And 34 Are Allowable Over Anschutz**

Claim 14 requires a network node device to utilize a method that sets up a connection between a first network element and an external device. The connection is set up such that the unique address of the first network element is converted to an address valid for the external device. If the network node device determines that a message header entry characterize an expanded packet-oriented protocol, it establishes a temporarily transparent connection between the first network element and the external device. The unique address of the first network element that is valid for the external device is transferred to the external device without converting that address for the duration of the temporarily transparent connection. Claims 15-27, 32 and 34 depend directly or indirectly from claim 14 and also contain these limitations.

Anschutz et al. do not teach or suggest any network node that establishes a temporary transparent connection. Indeed, the term “transparent connection” is not found within Anschutz et al. Also, Anschutz et al. do not teach or suggest any transferring of a unique address without converting that address while a transparent connection between a network element and an external device is established.

**a. Anschutz et al. Teach Away From The Claims**

Anschutz et al. do not teach or suggest the transferring of a unique address of a first network element that is valid for the external device without converting that address by a network node device. Indeed, Anschutz et al. explicitly teach away from such a transfer of a unique address. Anschutz et al. teach that “the access device replaces the source IP address of the IP traffic with the ISP provided address of the access device and places the IP traffic in the PPPoE connection extending from the access device to the ISP network 113.” (Col. 7, lines 13-17). The conversion of the IP address is contrary to the requirement that a network element’s unique IP address not be converted as required in claim 14.

**2. Claims 28-31, 33 And 35 Are Allowable Over Anschutz**

Claim 28 requires a network node element for supporting a transparent exchange of data packets to include at least one first network interface configured to connect to a packet-oriented network, at least one second network interface configured to connect to an external device, and at least one monitoring unit operatively connected to at least one of the at least one first network interface and the at least one second network interface. The at least one monitoring unit is configured to establish a temporarily transparent connection between at least one network element of the packet-oriented network and the external device. The network node element is

also configured to not convert a unique address of any network element that is allocated to that network element by the external device for a duration of a temporarily transparent connection established between that network element and the external device. Claims 29-31, 33 and 35 depend directly or indirectly from claim 28 and also contain these limitations.

Anschutz et al. do not teach or suggest any network node that establishes a temporary transparent connection between any network element and an external device. Indeed, the term “transparent connection” is not found within Anschutz et al. Also, Anschutz et al. do not teach or suggest any transferring of a unique address without converting that address while a transparent connection between a network element and an external device is established.

**a. Anschutz et al. Teach Away From The Claims**

As discussed above with reference to claim 14, Anschutz et al. do not teach or suggest the transferring of a unique address of a first network element that is valid for the external device without converting that address by a network node device. Anschutz et al. explicitly teach away from such a transfer of a unique address. Anschutz et al. teach that “the access device replaces the source IP address of the IP traffic with the ISP provided address of the access device and places the IP traffic in the PPPoE connection extending from the access device to the ISP network 113.” (Col. 7, lines 13-17). The conversion of the IP address is contrary to the requirement in claim 28 that the network node element be configured to not convert a unique address of any network element that is allocated to that network element by the external device for a duration of a temporarily transparent connection established between that network element and the external device.

**C. EP Patent No. 1 543 670 B1 Shows The Pending Claims Are Allowable**

The present application corresponds to granted European Patent No. EP 1 543 670 B1.

For the Examiner's reference, a copy of this patent is provided herewith. The European Patent Office has found the invention disclosed in the present application to warrant patent protection. This is an indicia of the non-obvious nature of the pending claims and shows that the claims should be allowed.

**III. CONCLUSION**

For at least the above reasons, reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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